

Supporting Document 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2002-0122
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST CHUNG KWAN HSU AND HUI MEI HSU,
BUDGET TRADE & GAS, ESCONDIDO,
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having held public hearings on December 13, 2000, April 11, 2001, October 10, 2001, and May 8, 2002, to hear evidence and comments on the allegations contained in Complaint No. 2000-256, dated November 21, 2000, and on the recommendation for administrative assessment of Civil Liability in the amount of \$146,500 finds the following:

1. The Regional Board, under the authority of California Water Code (Water Code) section 13267, ordered Mr. Chung Kwan Hsu and Mrs. Hui Mei Hsu (Mr. and Mrs. Hsu), owners of the Budget Trade & Gas station, to submit by September 1, 1999, a corrective action plan for remediation of ground-water pollution from the Budget Trade & Gas station, 510 West 5th Avenue, Escondido, California.
2. Mr. and Mrs. Hsu failed to submit a corrective action plan resulting in the adoption of Administrative Civil Liability (ACL) Order No. 2000-23 on February 10, 2000, for assessment of civil liability of \$35,680.
3. Following the adoption of ACL Order No. 2000-23, Mr. and Mrs. Hsu did not submit the corrective action plan prompting the Regional Board to issue a second complaint to Mr. and Mrs. Hsu for administrative assessment of civil liability (ACL Complaint No. 2000-256) on December 13, 2000. As before, the complaint alleged failure to submit the corrective action plan.
4. Under the authority of Water Code section 13268, any person failing to furnish a technical report required by section 13267(b) is guilty of a misdemeanor and may be liable civilly.
5. Consideration of the factors prescribed in Water Code section 13327, based upon information available to the Regional Board prior to the hearing and described in greater detail in the staff report titled, "*California Regional Water Quality Control Board, San Diego Region, Staff Report, Proposed Administrative Civil Liability Contained in Complaint No. 2000-256, issued to Mr. and Mrs. Hsu, for Noncompliance with California Water Code §13267, Budget Trade & Gas, 510 West 5th Avenue, Escondido, California*" supports assessment of civil liability in the amount of \$146,500 as follows:

\$450 per day for 293 days in violation of Water Code section 13267 for a total of \$131,850; plus economic benefits and staff costs of \$14,650; resulting in a total assessment of \$146,500.

6. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Code of Regulations, Chapter 3, Title 14, section 15308.

IT IS HEREBY ORDERED that civil liability is imposed on Mr. and Mrs. Hsu, owner of the Budget Trade and Gas station, in the amount of one hundred forty-six thousand five hundred dollars (\$146,500) and that the rationale for the assessment contained in the staff report titled, "*California Regional Water Quality Control Board, San Diego Region, Staff Report, Proposed Administrative Civil Liability Contained in Complaint No. 2000-256, issued to Mr. Chung Kwan Hsu for Noncompliance with California Water Code section 13267, Budget Trade & Gas, 510 West 5th Avenue, Escondido, California*" is hereby incorporated into this order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on May 8, 2002.

John H. Robertus
Executive Officer